

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCHNEUR GERSHOWITZ et al.,

Plaintiffs,

-against-

DANIEL GRIV A/K/A DANIEL AMRAM,

Defendant.

24-CV-1915 (PAE) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of ECF Nos. 18 and 19.

The Court construes ECF 18 as a request by *pro se* Defendant for a briefing schedule for a motion to dismiss for lack of subject matter jurisdiction.¹ Accordingly, the following briefing schedule will apply:

- Defendant's motion to dismiss for lack of subject matter jurisdiction is due **December 2, 2024**.
- Plaintiffs' opposition is due **December 23, 2024**.
- Defendant's reply is due **January 13, 2025**.

¹ Defendant's unsworn statement of his current residence does not establish his citizenship for the purpose of determining whether the Court has jurisdiction over this action based on diversity. *Leveraged Leasing Admin. Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44, 47 (2d Cir. 1996). An individual's citizenship is based on his domicile at the time the action is commenced. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 571 (2004). A party's domicile is, "where he has his true fixed home and principal establishment." *Palazzo ex rel. Delmage v. Corio*, 232 F.3d 38, 42 (2d Cir. 2000). A party who alleges that his domicile has changed must show that he intended to give up the old domicile and take up the new one and also provide proof that he actually acquired a residence in the new locality. *Id.*

If *pro se* Defendant requires procedural assistance with filing his motion, he is further directed to contact the Pro Se Intake Unit at 40 Foley Square, Room 105, New York, New York, 10007. The telephone number for the Pro Se Intake Unit is (212) 805-0175. The website for the Pro Se Intake Unit is <https://www.nysd.uscourts.gov/prose/role-of-the-prose-intake-unit/contact>.

Counsel for Plaintiffs is directed to serve a copy of this Order on *pro se* Defendant at 599 State St. Perth Amboy NJ 08861 and at danielgrivamaram@gmail.com and file proof of such service on the docket.

Plaintiffs' request for a conference (ECF 19) is **DENIED**.

SO ORDERED.

Dated: November 1, 2024
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge